

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, DECEMBER 6, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
Joseph Elliot
Peter Lilienfield, Acting Secretary

Members

Absent: Robert Buford
William Bush

Also Present: Kevin J. Plunkett, Village Counsel
John Kirkpatrick, Special Counsel
Brenda Livingston & William Hoffman, Ad Hoc
Planning

Board Members
Eugene Hughey, Building Inspector
Florence Costello, Clerk
Desiree Garvin, Court Reporting Services,
for Mercy College
and Westwood Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 - Westwood Development
Associates, Inc.

Sht. 10,11, Lot 25,25K,P25J2
94-15 - James Dinan
Sht. 10, P-76
95-01 - Stephanie Scott
Sht. 1, P-3, P-5A2
95-07 - Andrew Sokol
Sht. 10D, Bl. 241, Lot(s) 4,5,6,7
95-22 - Stratta & Martucci
Sht. 2, P-1, 109S
95-23 - Mercy College
Sht. 9, P-44,45,46,47,48,49

The Chairman called the meeting to order at 8:00 p.m.

IPB Matter #95-22:
Stratta for

at

Application of John & Diana
Informal Discussion for property
43 Matthiessen Park.

Elizabeth M. Enochs, Esq., appeared on behalf of the applicant. This was an informal discussion dealing with a proposed alteration to a lot line separating two residences in Matthiessen Park. The Chairman indicated that he had received notification from Counsel that this does not constitute a subdivision, and as such does not fall under the jurisdiction of the Planning Board. The Board therefore informed the Applicant that it had no jurisdiction with respect to the proposal.

IPB Matter #94-15:
for Re-approval

property at

Application of James Dinan
of Subdivision Approval for
10 North Broadway.

Stephen A. McCabe, Village Administrator, appeared on behalf of the applicant. The Planning Board had granted subdivision approval on July 12, 1995, but the subdivision was not filed with Westchester County within the required ninety (90) days. The Chairman noted that Counsel had indicated that, in his opinion, "the Planning Board is not required to proceed with the formalities of the subdivision process to reapprove this subdivision" (see attached letter, dated 12/6/95 from K.Plunkett). This instead could be handled as an administrative action with the Board authorizing the Chairman and the Secretary to re-execute the subdivision plat; no Public Hearing would be necessary. On motion duly made, seconded and unanimously approved, the Board authorized the Chairman and Secretary to re-sign the plat, as of December 6, 1995.

IPB Matter #95-01:
Scott for Subdivision

Sunnyside

Application of Stephanie
Approval for property at 6 West
Lane.

Mrs. Stephanie Scott appeared personally for this application. This was a continuation of a Public Hearing

dealing with Final Subdivision Approval for an application which was approved on a preliminary basis in August. Applicant submitted the final plat, prepared by Charles Riley, Land Surveyor, entitled "Subdivision Map", dated November 11, 1995 (revised). The Chairman reviewed the conditions that had been set, dealing with payment to the Site Acquisition fund, recording of the easements over the applicant's and neighboring property, and the location of utilities subject to the approval of the Building Inspector. Each of these conditions were found to be satisfied. No further comments were received from the Board, its consultants or the public. The Chairman closed the Public Hearing. On motion duly made, seconded and unanimously approved, the Board approved the Final Subdivision and authorized the Chairman and Secretary to sign the plat, as of December 6, 1995.

IPB Matter #95-07:
for Site

Application of Andrew Sokol

Development Plan Approval for
property
at 2 Greyrock Terrace.

Mr. Matthew Behrens, Architect, appeared on behalf of the applicant, along with the property owners. This application deals with alteration/addition to existing structures on the property and was previously before the Planning Board in April 1995. At that time, the Board noted that the application would require a variance from the Zoning Board; as such, it deferred any action on the proposal until after the Zoning Board had rendered a decision. The Zoning Board heard the application, and granted approval for the application as of September 28, 1995 (ZBA #95-08). The Chairman read the ZBA findings, which granted approval subject to resolution with the adjoining neighbor regarding screening, and the approval of the Irvington Tree Commission to remove the pine tree. Neither of these actions have yet to be taken by the application. The findings noted that an arborist had concluded that the proposed structure would not have an affect on the large oak tree located to the north of the proposed construction.

The Chairman with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that

this application is for a proposed action which is a Type II action under SEQRA and therefore the filing of an Environmental Assessment form was not necessary.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined that in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

The Board noted that if the variance were further modified or otherwise changed or repealed due to non-compliance with the Zoning Board's two conditions, then the waiver would no longer be in effect.

IPB Matter #95-23:
for Amendment/

Application of Mercy College

Renewal of Special Permits.

A complete stenographic transcript of the proceedings relating to this matter was taken and is incorporated by reference. The Village Counsel, Kevin Plunkett, recused himself from all matters relating to this application due to a conflict. Mr. John Kirkpatrick, who was appointed by the Village Board as Special Counsel to the Planning

Board with respect to this matter, was introduced. The Chairman read a prepared statement regarding the history of the relationship between the Village and the College, and reviewed the elements/conditions of the existing Special Permit. Gerald Reilly, Esq. and Dr. Jay Sexter, President of the College, appeared for the College. There was an extended discussion during which the Board informed the College that a long form Environmental Assessment Form shall be submitted as part of the Application.

IPB Matter #94-03:
Development

Inc., for Limited Site Development

Broadway,

Application of Westwood
Associates,

Plan Approval for property at

Riverview Road and Mountain Road.

A complete stenographic transcript of the proceedings relating to this matter was taken and is incorporated by reference. The Applicant provided the Board with a "Pedestrian Circulation Plan - Tract A, Preliminary Subdivision and Limited Site Development for Westwood Development Associates" prepared by Cronin Engineering, dated as revised November 1, 1995, "Pedestrian Circulation Plan - Tracts B & C, Preliminary Subdivision and Limited Site Development for Westwood Development Associates" prepared by Cronin Engineering, dated as revised November 1, 1995, "Conventional Subdivision - Tracts A, B, and C, Westwood Development Associates" prepared by Cronin Engineering, dated October 25, 1995, and "Conventional Subdivision for Lands of Westwood Development Associates" prepared by Cronin Engineering, dated October 25, 1995; and indicated that they were in the process of preparing the Draft Environmental Impact Statement.

The Board then considered the following administrative matters:

The next regular meeting of the Planning Board was scheduled for Wednesday, January 3, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Secretary

Peter Lilienfield,